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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Australia*, Canada, Cyprus*, Czech Republic, Denmark, Finland, France, Germany, Hungary, Luxembourg, Madagascar, Nepal, Norway, Poland, Russian Federation, Sweden and Switzerland*:

draft resolution

1997/... Human rights and mass exoduses

The Commission on Human Rights,

Deeply disturbed by the scale and magnitude of exoduses and displacements of population in many regions of the world and by the extensive human suffering of refugees and displaced persons,

Recalling its previous relevant resolutions, in particular resolution 1995/88 of 8 March 1995, as well as those of the General Assembly, and the conclusions of the World Conference on Human Rights, which recognized that gross violations of human rights, including in armed conflicts, are among the multiple and complex factors leading to displacement of people and that there is a need for a comprehensive approach by the international community to

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

address root causes and effects of movements of refugees and other displaced persons and for the strengthening of emergency preparedness and response mechanisms,

Conscious of the fact that mass exoduses of populations are caused by multiple and complex factors, which may include human rights violations, political, ethnic and economic conflicts, famine, insecurity, violence, poverty and environmental degradation, which indicate that early warning requires an intersectoral and multidisciplinary approach to enable a coherent system-wide response, particularly at the international and regional levels,

Noting that the Secretary-General, in his report entitled "An Agenda for Peace" (A/47/277-S/24111), identifies the protection of human rights and the promotion of economic well-being as important elements of peace, security and development,

Recognizing the complementarity between the system for the protection of human rights and for humanitarian action, and that humanitarian agencies make an important contribution to the achievement and protection of human rights,

Welcoming the continuation of inter-agency consultations on early warning of mass flows of refugees, pursuant to the decision of the Administrative Committee on Coordination, with the purpose of serving both prevention of and preparedness for humanitarian emergencies, and welcoming also the participation of the United Nations High Commissioner for Human Rights and the representative of the Secretary-General on internally displaced persons in the deliberations of the Inter-Agency Standing Committee established by the General Assembly in resolution 46/182 of 19 December 1991,

Welcoming also the cooperation between the United Nations High Commissioner for Refugees, the United Nations Development Programme, other relevant United Nations entities and the United Nations High Commissioner for Human Rights, with a view to ensuring coordination of mandates and expertise in the areas of returnee monitoring and promotion, technical advice, institution-building and rehabilitation activities,

Welcoming further the involvement of the Office of the United Nations High Commissioner for Refugees in activities in countries of actual or potential return, including the monitoring of returnees, in particular in the framework of tripartite agreements between the State of origin, the State of

asylum and the Office of the United Nations High Commissioner for Refugees, aimed at making effective the fundamental right of refugees to return to their own countries in safety and dignity,

Recognizing that the human rights machinery of the United Nations, including the mechanisms of the Commission on Human Rights and the human rights treaty bodies, has important capabilities to address human rights violations which cause movements of refugees and displaced persons or prevent durable solutions to their plight,

Convinced that the activities of these mechanisms, with a view, inter alia, to preventing mass exoduses and to strengthening emergency preparedness and response mechanisms, should be encouraged and further developed and coordinated at the international, regional and country levels, with priority given to the systematization of the early-warning information collection,

Recognizing that women and children constitute the majority of most refugee populations and that, in addition to the problems they share in common with all refugees, women and girls in such circumstances are vulnerable to gender-based discrimination and gender-specific violence and exploitation,

Recalling that States parties to the 1951 Convention relating to the Status of Refugees undertake, under article 35, to provide information to the Office of the United Nations High Commissioner for Refugees on the implementation of the Convention, as was recalled in the General Conclusion on International Protection adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees in 1995 and 1996,

Recalling the principles of international protection for refugees, relevant human rights standards and the General Conclusions of the Executive Committee of the Programme of the High Commissioner for Refugees on International Protection, and that asylum applicants should have access to fair and expeditious status determination procedures,

Welcoming the continuing efforts of the United Nations High Commissioner for Refugees to meet the protection and assistance needs of refugees worldwide,

1. Takes note with interest of the report of the Secretary-General on human rights and mass exoduses (E/CN.4/1996/42) and the update to this report by the High Commissioner for Human Rights (E/CN.4/1997/42), which are important contributions to efforts to develop a comprehensive approach to the question of human rights and mass exoduses;

2. Welcomes the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race, religion or language, and urges States to refrain from denying these because of gender;

3. Strongly deplores ethnic and other forms of intolerance as one of the major causes of forced migratory movements, and urges States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities;

4. Takes note of resolution 1995/13 of 18 August 1995 entitled "The right to freedom of movement" adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

5. Invites again all Governments and regional, intergovernmental and humanitarian organizations concerned to intensify their cooperation and assistance in worldwide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and the causes of such exoduses;

6. Urges all bodies involved in inter-agency consultations on early warning to cooperate fully in and to increase the necessary commitment and resources to the successful operation of the consultations;

7. Invites the special rapporteurs, special representatives and working groups of the Commission and the United Nations human rights treaty bodies, acting within their mandates, to seek information, where appropriate, on problems resulting in mass exoduses of populations or impeding their voluntary return home and, where appropriate, to include such information, together with recommendations thereon, in their reports, and to bring such information to the attention of the United Nations High Commissioner for Human Rights for appropriate action in fulfilment of his mandate, in consultation with the United Nations High Commissioner for Refugees;

8. Requests all United Nations bodies, including the United Nations human rights treaty bodies acting within their mandates, the specialized agencies, and governmental, intergovernmental and non-governmental organizations, to cooperate fully with all mechanisms of the Commission and, in particular, to provide them with all relevant information in their possession on the human rights situations creating or affecting refugees and displaced persons;

9. Requests the United Nations High Commissioner for Human Rights, in the exercise of his mandate, as set out in General Assembly resolution 48/141 of 20 December 1993, for preventing the continuation of human rights violations throughout the world and for coordinating human rights activities throughout the United Nations system, and in cooperation with the United Nations High Commissioner for Refugees, to pay particular attention to situations which cause or threaten to cause mass exoduses and to address effectively such situations through protection measures as well as emergency preparedness and response mechanisms, including information sharing and the provision of technical advice, expertise and cooperation;

10. Welcomes the establishment by the Department of Humanitarian Affairs of the Humanitarian Early Warning System, and notes with appreciation the contribution made by the United Nations High Commissioner for Human Rights and the Centre for Human Rights to its development;

11. Notes with satisfaction the participation of the United Nations High Commissioner for Human Rights in the framework for coordination activities and projects organized by the Department of Humanitarian Affairs, the Department of Political Affairs and the Department of Peacekeeping Operations, demonstrating the need for a comprehensive approach to address root causes and effects of movements of refugees and other displaced persons and the strengthening of emergency preparedness and response mechanisms;

12. Urges the Secretary-General to give high priority and to allocate the necessary resources to the consolidation and strengthening of the system for undertaking early-warning activities in the humanitarian area for the purpose of ensuring, inter alia, that effective action is taken to identify all human rights abuses which contribute to mass outflows of persons, and to invite comments on this issue;

13. Welcomes with appreciation the contributions of the United Nations High Commissioner for Refugees to the deliberations of international human rights bodies and mechanisms, and invites her to address the Commission at its fifty-fourth session;

14. Encourages States that have not already done so to consider accession to the 1951 Convention relating to the Status of Refugees and its Protocol of 1967, the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and other relevant regional refugee instruments and relevant international human rights instruments;

15. Encourages States parties to the 1951 Convention relating to the Status of Refugees to provide information to the Office of the United Nations High Commissioner for Refugees, in accordance with article 35 of the Convention;

16. Calls upon States to ensure effective protection of refugees through, inter alia, respecting the principle of non-refoulement;

17. Requests the United Nations High Commissioner for Human Rights to invite Governments, intergovernmental organizations, specialized agencies and non-governmental organizations to provide information and to prepare, within existing resources, and submit to the Commission at its fifty-fourth session an update of his report, including information on and recommendations and conclusions emerging from the action taken pursuant to the present resolution, with particular attention to defining appropriate early-warning capacities and ensuing implementation procedures and activities necessary to respond promptly and effectively;

18. Decides to continue its consideration of the question at its fifty-fourth session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission" under the sub-item entitled "Human rights, mass exoduses and displaced persons".